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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,870	12/29/2003	Jeffrey A. Dean	Google-35APP (GP-090-00-U)	3713
83,402	7590	08/10/2010	EXAMINER	
TSUL, WILSON W				
82,402			PAPER NUMBER	
Straub & Pokotylo			2178	
788 Shrewsbury Avenue				
Tinton Falls, NJ 07724				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/748,870

**Applicant(s)**

DEAN ET AL.

**Examiner**

WILSON TSUI

**Art Unit**

2178

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 19 July 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-7, 9-15 and 17-20.  
Claim(s) withdrawn from consideration: 8 and 16.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/CESAR B PAULA/  
Primary Examiner, Art Unit 2178

Continuation of 11, does NOT place the application in condition for allowance because: With respect to claims 1 and 9, the applicant first argues that Emens does not teach wherein the page content is not directly used to determine the determined relevant content [since] (column 6, lines 26-37 of Emens) "the product matching manager takes the search engine results set and attempts to match at least one product to each of the search result items".

However, the examiner respectfully points out that the search engine returns a collection/data-contained-in-a-set of information, and thus since a finite containment of results/data is provided, then it can be interpreted the data a "document" of data (the claim does not require the format of the type of document required). Furthermore, the page content is not DIRECTLY used, since the page shown to the user is generated in a much later step after the matching, as explained in column 7, lines 10-18: whereas, the results page is finally built at the end to include BOTH search result items from the search engine and relevant content/product-items, represented as an icon (the search engine providing advertisement meta-data, since it characterizes the type of products that are matched against the meta-data),

The applicant secondly argues that Emens does not teach the ad document from the ad server. However, this argument is not persuasive, since as similarly explained in the paragraph immediately above, the search engine plays the role of an advertisement metadata server supplying advertisement data to a request/content-server.

The applicant argues that Emens does not teach a portion of the determined relevant content from the content server.

However, this argument is not persuasive since part of the determined relevant content is shown in a built page by a request/content server, as similarly explained above. The built content page containing an icon for relevant content, the icon representing a specific query, such that when the icon is selected, a query is performed (Emens, column 5, lines 55-61).

The applicant argues the search result item is used to determine the product search results, and thus do not teach the argued limitations.

However the examiner respectfully points out, as similarly explained above, the search result data (not from a final built page, but directly from a search engine) can be classified as advertisement metadata to determine further advertisement/product-data. Thus, advertisement type/content data is used to produce even further relevant content, such that both result data and determined relevant content is assembled in a final built page, as also similarly explained above.

The applicant argues that the initial search results page in the Emens patent includes search results and a designator/flag which indicates that product search results are available "if selected by the user".

However, the examiner respectfully points out that the claim language includes that a search query can be a determined relevant content, and since, as explained above, the icon (which may or may not be selected by the user) is enabled to function/represent a query (Emens, column 5, lines 55-61). Thus, relevant content is indeed combined and shown in a final built page, and the applicant's argument is not persuasive.

The applicant argues that the relied upon portion of the Emens patent (column 7, lines 37-42) does not describe combining an ad and the determined relevant content, for presentation to the user with the page content.

However, this argument is not persuasive since the citation includes "building a results page", and thus, a new page is constructed. Also, included within the new page are the results AND determined relevant content (such as a list of products or product icon), as similarly explained above.

With respect to claims 7 and 15, the applicant argues that based on the examiner's interpretation, the proposed combination of the references would produce a product search results page whose contents were determined from a search results item on the initial search results page, the user will be redirected. ... [and thus the combination] does not produce a single page which "combines at least a portion of content of the document, at least a portion of the determined relevant content, and at least a portion of the determined further content for presentation to a user" as recited.

However, the examiner respectfully disagrees, since as explained above, the determined relevant content can be represented in a query to produce relevant content product-items, and Barry teaches that a query for an advertisement can produce further ad content (Barry et al: paragraph 0064). Thus, since the claim language does not require how the determined content and the further determined content are shown/represented, then the combination still yields a correct and functional interpretation for reading upon the required claim language.

With respect to the arguments for the claims directly or indirectly dependent upon the argued independent claims, they are not persuasive since the independent claims have been shown/explained to be rejected.